

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROD EDDIE, PAULA EDDIE and McCLINTOCK REALTY, INC.,

Plaintiffs,

-against-

SCOTTSDALE INSURANCE COMPANY,

Defendant

Docket No. : 07-CV-3457
(WP4) (MDF) (KMK)

DECLARATION OF ELI B. BASCH

Eli B. Basch, an attorney duly admitted to practice law in the State of New York, declares the following under penalties of perjury and pursuant to 28 U.S.C. § 1746 that the following statements are true and correct:

1. I am a partner at the law firm of Basch & Keegan, LLP, the attorneys for the Plaintiffs, Rod Eddie, Paula Eddie and McClintock Realty, Inc. As such, I am familiar with the facts and circumstances of this matter. I submit this declaration to place the relevant information and documents on the record in support of the plaintiffs cross motion for summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure.

2. The Plaintiffs cross-motion for summary judgment is predicated on the grounds that the Plaintiffs' premises were not vacant and were occupied during the 60-day period before the fire of August 1, 2006.

3. In support of the cross-motion, the Plaintiffs are relying on the exhibits submitted by defense counsel. There is no other relevant documentary evidence pertaining to the cross-motion.

Dated: April 22, 2008
Kingston, New York



ELI B. BASCH (EB8921)

BASCH & KEEGAN, LLP
Attorneys for Plaintiffs
307 Clinton Avenue
P.O. Box 4235
Kingston, New York 12402
(845) 338-8884

cc: TRAUB, LIEBERMAN, STRAUS & SHREWSBERRY, LLP
Attorneys for Defendant
Mid Westchester Executive Park
Seven Skyline Drive
Hawthorne, New York 10532
(914) 347-2600